

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILBERT J. ODEN,)	No. C 05-0183 JSW (PR)
)	
Plaintiff,)	
)	ORDER GRANTING
v.)	EXTENSION OF TIME TO
)	SERVE OPPOSITION AND
A. A. LAMARQUE and APPEALS)	DENYING PLAINTIFF'S
COORDINATOR RUISI,)	MOTION TO COMPEL;
)	INSTRUCTIONS TO CLERK
Defendants.)	
_____)	(Docket no. 13)

Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison, has filed this civil rights action pursuant to 42 U.S.C. § 1983. The Court issued an order of service on March 14, 2005 (docket no. 4). Defendants filed a motion to dismiss on July 12, 2005 (docket no. 10). On July 19, 2005, Plaintiff filed an opposition to the motion to dismiss, and requested that the Court make copies of the opposition and mail a copy to Defendants. Plaintiff's request is DENIED, as it is Plaintiff's responsibility to prosecute this case. The Court will not serve the Defendants; however, Plaintiff is provided another opportunity to serve his opposition to the motion to dismiss within **thirty (30) days** of the date of this order.

Plaintiff may request copies of documents from the Court at a charge of fifty cents (\$.50) per page by completing and complying with all requirements of the Court's "Request for Photocopies" form. Because Plaintiff has been granted *in forma pauperis* status (docket no. 3), the Court will send him copies if he agrees to pay these fees in the same manner in which he is paying the filing fee: in monthly installments deducted from

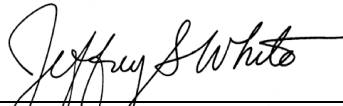
1 available funds in his prison trust account. If Plaintiff consents to these terms, he may
2 order the desired copies by returning the appropriate form. However, Plaintiff remains
3 responsible for serving Defendants with his opposition to the motion to dismiss, as well
4 as any communications with the Court. Failure to do so may result in the dismissal of
5 this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

6 On September 20, 2005, Plaintiff filed a motion to compel Defendant to file a
7 reply to Plaintiff's opposition. As Plaintiff has not served his opposition on Defendants,
8 Plaintiff's motion to compel is DENIED (docket no. 13).

9 The Clerk shall provide Plaintiff with a conformed copy of his Declaration to the
10 Court and Opposition to Defendants' Notice of Motion and Motion to Dismiss, filed July
11 19, 2005 (docket no. 11). The Clerk shall also provide Plaintiff with a "Request for
12 Photocopies" form.

13 IT IS SO ORDERED.

14 DATED: October 24, 2005

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16 JEFFREY S. WHITE
17 United States District Judge
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